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AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 1468)

In re the Application of:	)	
	)	
Noel Schnake et al.	)	
	)	**Group Art Unit 2681**
Serial No.: 09/874,215	)	
	)	**Examiner: Julio R. Perez**
Filed: June 5, 2001	)	
	)	**Confirmation No. 9528**
For: METHOD AND SYSTEM FOR MANAGEMENT OF MESSAGES	)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

   A. Interview Summary; and
   B. Return Receipt Postcard.

2. With respect to additional fees, please no additional fee is required.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 210765. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned also hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 2nd day of May, 2005.

By: Lawrence H. Aaronson

Lawrence H. Aaronson
Reg. No. 35,818

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

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INTERVIEW SUMMARY

Dear Sir:

On March 24, 2005, the undersigned held a telephone interview with Examiner Perez. We then continued the telephone interview on April 11, 2005. Present at the continued telephone interview on April 11, 2005, were the undersigned, Examiner Perez, Examiner Gary, and one of the undersigned's associates, David Ciesielski.

During the interview, we discussed the patentable distinction of the claimed invention over the cited Marsh patent. In particular, the undersigned explained that Marsh does not teach all of the elements of any of Applicant's claims, as would be required to support an anticipation rejection under M.P.E.P. § 2131.

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
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As the undersigned pointed out, for instance, Applicant's claims 1-26 (including independent claims 1, 3, and 21) are directed to a method of managing message-presentation in a subscriber station. Each of these claims recites sending to a subscriber station (or receiving into a subscriber station) a message and a schedule for presentation of the message, including a start-time value indicating when to start presentation of the message. The act of sending the presentation-schedule to the subscriber station (or receiving the presentation-schedule into the subscriber station) underscores the fact that presentation is a function of the subscriber station and occurs according to the schedule that the subscriber station receives from the network.

The undersigned further pointed out that Marsh teaches (i) downloading ads to client stations, and (ii) presentation of ads at client stations, but that the similarity between Marsh and Applicant's claimed invention ends there. At a minimum, for instance, Marsh does not teach (expressly or inherently) the function of ***sending to a client station*** a message and ***a schedule that includes a start-time value indicating when to start presentation of the message***. Rather, at best, Marsh teaches that a network server applies a "distribution scheduler" that determines which ads to send to which client stations, and a "download scheduler" that determines when to send ads to client stations. But Marsh does not teach sending to the client station a schedule that includes a start-time value indicating when to start presentation of an ad.

The Examiners asserted that, *in their opinion*, Marsh anticipates the claimed invention, because Marsh teaches applying a download scheduler to determine when to download ads to a client station. The Examiners pointed to numerous lines in Marsh that referenced such a download scheduler.

The undersigned pointed out, however, that the "download scheduler" of Marsh does not amount to Applicant's claimed invention. Specifically, Marsh's download scheduler merely

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
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determines when to send ads to client stations, but neither Marsh's teaching of a download scheduler nor any other aspect of Marsh suggests sending to a client station a schedule including a start-time value that indicates when to start presentation of an ad.

It appeared that the Examiners may have considered a "download scheduler" to somehow mean that a *schedule is downloaded.* The undersigned pointed out, however, that the download scheduler of Marsh only relates to when to send ads to client stations; it does not involve providing the client station with a schedule including a start-time value. Thus, Marsh teaches a download-scheduler, *not a schedule-downloader.*

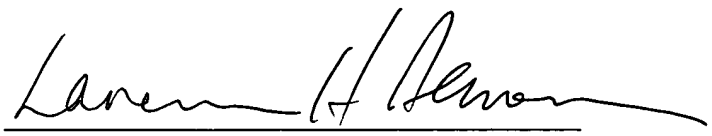
Sending a start-time value as presently claimed is particularly advantageous. It allows a network server to specify some future time when an ad (or other message) should begin running at the client station. Marsh does not teach sending a start-time value to a client station, either expressly or inherently, and therefore Marsh fails to achieve this significant benefit.

Finally, the undersigned pointed out that Marsh *teaches away* from Applicant's claimed invention, by teaching that a client station does not even present ads when the client station is inactive. Thus, Marsh's teaching that a server sends an ad to a client station at a particular time does not suggest that the client station would begin presenting the ad to users at any particular time. (See column 9, lines 28-39 of Marsh).

Respectfully submitted,

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: May 2, 2005

By: 

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